

United States District Court
District of New York

1-12-22

Mark Gagnier (plaintiff)

VS

Defendants Clinton County Jail
Officers Alger, West, Bremh
(Sgt) Thompson (Sgt) Foubert

Call Action #
JAN 26 '22 PM 2:32 USDC MA

FILED IN CLERKS OFFICE

EMERGENCY INJUNCTION

1. Plaintiff Mark Gagnier (2010-0937)
25 McCarthy Dr, Plattsburgh NY 12901
2. Defendants Clinton County Jail et al
25 McCarthy Drive
Plattsburgh, New York 12901

3. To the Honorable Court, a case of Depraved Indifference on behalf of Jail Personal has risen to alarming effect and needs to be reviewed for possible prosecutions as follows:

On 1-10-22 Mr. Gagnier was viciously assaulted and verbally abused as witnessed by Homeland Security Booking video/sound recording were he was in shackles then pepper sprayed causing him Emence Distress and Irreparable harms

4. Mr. Gagnier was subjected to an illegally conducted cell extraction and brought to a booking cell where he then had a tiff /teraud temper tantrum and kicked the plexi glass while in Belly chains.

He was then yelled at even though on his knees on a concrete Bench.

(Sgt) Faudert then pepper sprayed him and choked him. A felony obstruction of Air-way under New York law.

5. Since public servants are to be held to a higher standard than the rest of Society more scrutiny and a Broad discretion in investigation is warranted.

On Aug 8th 2019 Officer Alger and Gutzman led by a (Sgt) Martineau did an illegal cell extraction of my person and although did not pepper spray me did in fact to my knowledge get away with assaulting me in cell 2 that day.

Also see 1/11/2020 @ 7am-8am F-2 unit w/ Gutzman.

6. Although it is (not) enough to make accusations. Investigations do take time

[This Action in its 1st draft form being written by Andre Rene Levesque as officers commonly do for victims of Domestic abuse cases were After Planned Parenthood was told to stop coercing witnesses]

(a2) → See: exhibit A

A magistrate is to Librally construe pleadings especially by incapacitated detainees in isolation as

1983 Prisoner Rights Defacto Constitutional Amendment 20 chapter book upholding a blanket judgement for detainees. sect 8.3-8.7

6.2-6.5 Isolation

A Detainee does (not) need to prove Deliberate or depraved indifference to win a judgement

Section 1.3 clearly gives a magistrate lateral Advocacy for a detainee as the supreme court leaves in up to the lower courts

There fore : The court must compel prosecutors to review for a conspiracy charge

[3 of 5]

Heckling hazing harriments
taunting teasing torments
Antagonized agitated irritated
aggravated

- used as a puppet and pet to redirect and implant false memory
- Enlist others thru mimicing or to alienate someone
- Prude(ish) nunny
- Heckling Haggaling nay-sayers

The list goes on and on
these things get people to fumble
make mistakes shut down give up
or go ballistic then some call
mental illness

→ "your mentally ill, addicted to drugs,
its worse as bad as we thought"

→ here try our stuff?

vs

Medical Marijuana

On Behalf of Mark Gagnier
Andre Rene Levesque

Ph.D. Sociology 1-12-22

Andre Rene Levesque

5 of 5

AK [Signature]

In Conclusion

(a) Therefore the court must liberally construe this emergency termination as a pleading to compel prosecutors to review a federal conspiracy charge, or at least ~~get~~ get the F.B.I. Federal Bureau of Investigations to review for possible federal charges of the incident as clearly the statements don't ~~and~~ match the sound and video recording and public servants such as these have an obligation to conduct proper training for cell extractions mandated by federal and sometimes conflicting state laws.

Underlings cast into positions of Authority without proper training of policy protocols and procedures, tend to get lazy and bend the rules a bit too far as this sounds like such a moment or course of incidents leading Mr. Gagnier to exhibit Rabid delirium.

CLINTON COUNTY JAIL INCIDENT REPORT

Incident #: 2022 - 5175

DESCRIPTION OF INCIDENT:

AT 1910 INMATE GAGNIER, MARK (M1-3) WAS BROUGHT UP TO HOLDING WITH MECHANICAL RESTRAINTS ON HIS HANDS BEHIND HIS BACK BY SGT. FAUBERT, CO DUNHAM, CO ALGER, AND CO WEST. INMATE GAGNIER WAS BROUGHT TO INTAKE BECAUSE HE WAS FLOODING HIS CELL (1B AND 16C). ONCE LOCKED IN HOLDING CELL #4 HE ATTEMPTED TO SLIP HIS LEGS BETWEEN HIS ARMS TO PUT HIS HANDS IN FRONT OF HIM. SGT. FAUBERT THEN ORDERED CO WEST TO GET BELLY CHAINS AND SWITCH OUT THE MECHANICAL RESTRAINTS ON HIS HANDS. ONCE THE BELLY CHAIN WAS APPLIED BY CO WEST, CO ALGER, CO DUNHAM AND SGT. FAUBERT AND INMATE GAGNIER'S HANDS WERE RESTAINED MECHANICALLY IN FRONT OF HIM HE WAS LOCKED IN HOLDING CELL #4. AT 1912 INMATE GAGNIER BEGAN KICKING THE DOOR AND SHOUTING "I CAN STILL USE MY FEET!" (1A AND 1C) SGT. FAUBERT WHEELED THE MECHANICAL RESTRAINT CHAIR OUT OF HOLDING CELL #1 AND PLACED IT OUTSIDE OF HOLDING CELL #4. AT 1925 SGT. FAUBERT ATTEMPTED TO TALK WITH INMATE GAGNIER BUT INMATE GAGNIER WOULD NOT STOP ARGUING (20B). SGT. FAUBERT SHUT THE DOOR TO HOLDING #4 AND BEGAN TO WALK AWAY. INMATE GAGNIER THEN BEGAN KICKING THE DOOR TO THE HOLDING CELL AND SCREAMING AND SGT. FAUBERT ORDERED INMATE GAGNIER TO STOP KICKING OR HE WOULD BE SPRAYED. INMATE GAGNIER CONTINUED TO KICK AND SCREAM (10A) SO SGT. FAUBERT OPENED HOLDING #4 AND ADMINISTERED A SHORT BURST OF OC SPRAY TO INMATE GAGNIER'S FACE. AT 1928 INMATE GAGNIER WAS PLACED IN THE RESTRAINT CHAIR AND THE BELLY CHAIN RESTRAINT WAS REMOVED. SGT. FAUBERT STRAPPED INMATE GAGNIER'S HANDS IN THE CHAIR AND SGT. THOMPSON STRAPPED INMATE GAGNIER'S LEGS WITH ASSISTANCE FROM CO WEST AND MYSELF. ONCE IN THE CHAIR INMATE GAGNIER BECAME COMPLIANT AND BEGAN ASKING FOR A SHOWER TO WASH OFF THE OC SPRAY. AT 1930 INMATE GAGNIER WAS WHEELED DOWN TO THE OBS SHOWER BY SGT. FAUBERT ALONG WITH CO WEST AND MYSELF TO DECONTAMINATE. ONCE IN THE OBS SHOWER AREA, INMATE GAGNIER WAS REMOVED FROM THE RESTRAINT CHAIR AND GIVEN SOAP AND A TOWEL TO SHOWER. AT 1942 AFTER CLEANING HIMSELF UP INMATE GAGNIER WAS ESCORTED BACK UP TO INTAKE BY SGT. FAUBERT, CO WEST AND MYSELF. AT 2128 SGT. THOMPSON AND I BROUGHT INMATE GAGNIER DOWN TO M3-2 WITHOUT FURTHER INCIDENT. I THEN RESUMED NORMAL INTAKE DUTIES FOR THE REMAINDER OF THE C-TOUR SHIFT.

Exhibit (A)